

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
JUNE 9, 2005

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control ("EQC").
- II. **SUBJECT:** Administrative and Consent Orders issued during the period March 1, 2005, through April 30, 2005.
- III. **FACTS:** For the period March 1, 2005, through April 30, 2005, EQC issued forty-two (42) Consent Orders with total assessed civil penalties in the amount of \$270,450.00. There was one (1) Administrative Order with an assessed civil penalty of \$5,225.00 and one (1) Emergency Order placed in force during the reporting period. No penalty was assessed in the Emergency Order.

Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

Bureau	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land & Waste Management				
Hazardous Waste	0	\$ 0	5	\$ 71,000.00
Solid Waste	0	0	1	1,800.00
UST Program	1	5,225	1	1,100.00
SUBTOTAL	1	\$ 5,225	7	\$ 73,900.00
Water				
Drinking Water	0	\$ 0	11	\$ 18,700.00
Water Pollution	0	0	12	116,900.00
SUBTOTAL	0	\$ 0	23	\$ 135,600.00
Air Quality				
SUBTOTAL	0	\$ 0	12	\$ 60,950.00
TOTAL	1	\$ 5,225	42	\$ 270,450.00

ANALYSIS: During the reporting period, Hazardous Waste Enforcement entered into a Consent Order with Lubrizol Foam Control Additives of Spartanburg, South Carolina (Respondent) for numerous violations of the Hazardous Waste Management Act and regulations. Some of the violations include failure to: ensure that hazardous waste containers are properly closed during storage; properly mark and label hazardous waste containers; periodically inspect hazardous waste storage areas; provide personnel training; and meet

recordkeeping and reporting requirements. The Respondent was assessed a civil penalty of thirty-nine thousand dollars (\$39,000.00).

Underground Storage Tank Enforcement issued an Administrative Order for failure to have the cathodic protection system tested every three (3) years, failure to demonstrate financial responsibility, failure to pay annual tank registration fees, and failure to supply records to the Department when requested. The penalty assessed for these violations is five thousand, two hundred twenty-five dollars (\$5,225.00). The Respondent did not appeal the Order, and as such the Order was placed in force.

Nine of the twelve Consent Orders reported by Water Pollution Enforcement involve violations of storm water requirements due to land clearing, development and construction activities. These violations have resulted in discharges of sediment into the environment, including waters of the State. Corrective actions in the Consent Orders require Respondents to submit documentation that all storm water controls are in place and properly functioning. The total assessed civil penalty for the nine Consent Orders involving storm water violations is seventy-nine thousand three hundred dollars (\$79,300.00).

Additionally, Water Pollution Enforcement issued an Emergency Order to the owner of a wastewater treatment facility (WWTF) and wastewater collection system (WWCS) serving the Lloydwood Subdivision in Lexington County for failure to operate the facility with a South Carolina certified operator, failure to have a South Carolina approved laboratory to analyze all permitted requirements, failure to submit monthly discharge reports since December of 2004, and failure to have chlorine at the facility for the purpose of disinfecting the effluent. The Respondent also discharged untreated wastewater into the waters of the State and had numerous sanitary sewer overflows within the Lloydwood Subdivision. The Emergency Order required the Respondent to immediately hire a South Carolina certified operator, and begin and continue to properly operate and maintain the WWTF and WWCS in accordance with the National Pollutant Discharge Elimination System Permit and applicable State and Federal regulations.

Of the forty-two (42) Consent Orders issued by EQC enforcement programs during the reporting period, forty-one (41) Respondents have either complied with the Order requirements or are currently in compliance with schedules required in those Orders.

Submitted by:

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Deputy Commissioner
Environmental Quality Control